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EXAMINER	
VAN HANDEL, MICHAEL P	
ART UNIT	PAPER NUMBER
2623	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/037,005	MATZ ET AL.	
	Examiner	Art Unit	
	MICHAEL VAN HANDEL	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 March 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28 and 31-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28 and 31-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is responsive to an Amendment filed 3/28/2008. Claims **1-28**, **31-37** are pending. Claims **1**, **3**, **13**, **15**, **36** are amended. Claims **29**, **30**, **38-50** are canceled. The examiner hereby withdraws the objections to claims **3**, **13** in light of the amendment.

Response to Arguments

1. Applicant's arguments regarding claims **1**, **15**, and **36**, filed 3/28/2008, have been considered, but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims **1-28**, **31-37** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Referring to claims **1**, **15**, and **36**, Applicant states that support for "collecting subscriber content-choice data … describing an event record comprising a command of interest from the

subscriber, a time associated with the command of interest, a type of a service provider that provides the content chosen by the subscriber, and a name of the service provider providing the subscriber's chosen content" is found in column 2, lines 40-60 of U.S. Application 09/496,825, which is incorporated by reference; however, the examiner fails to find support for the event record comprising a type of a service provider and a name of a service provider in the 09/496,825 application. The examiner also fails to find support for the event record in the 10/037,005 application. The applicant also states that "merging the event record with data describing the subscriber's chosen content to form an event timeline that describes the subscriber's content selections over a period of time" is supported in paragraph 16 of U.S. Application 10/017,640, which is incorporated by reference; however, the examiner also fails to find support for this in the 10/037,005 application. The examiner notes that, while applicant may amend the specification and claims with subject matter from an incorporated reference, the entire claimed subject matter must be disclosed in its entirety within one of the references in order to convey to one skilled in the relevant art that the inventor(s), at the time the invention was made, had possession of the claimed invention. In this case, it appears that the independent claims contain subject matter from the three applications, but none of the applications discloses all of the claimed subject matter in its entirety.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims **1-8**, **10-22**, **24-28**, **31-36** is rejected under 35 U.S.C. 103(a) as being unpatentable over Vinson et al. in view of Grauch et al. (WO 98/31114).

Referring to claims **1**, **15**, and **36**, Vinson et al. discloses a method/system for receiving subscriber content-choice information, comprising:

- collecting subscriber content-choice data from a plurality of service providers, each service provider collecting the subscriber content-choice data from their respective subscribers (p. 7, paragraphs 94-104), each subscriber's content-choice data related to a subscriber's viewing preferences for content (p. 6, paragraph 82; p. 7, paragraph 94; & p. 8, paragraph 111), and each subscriber's content-choice data describing an event record comprising a command of interest from the subscriber (p. 3, paragraph 27), a time associated with the command of interest (p. 17, paragraph 256; p. 18, paragraphs 272, 273; & Figs. 22(a)-22(l)), a type of service provider that provides the content chosen by the subscriber, and a name of the service provider providing the subscriber's chosen content (the examiner notes that in targeting advertising content, an advertiser selects one or more cable television, satellite, television, Internet, or other service providers. Service providers implement individually addressable STB's. Since an advertiser can target ads to a particular user of a particular service provider based on the monitored user data, the examiner notes that the monitored user data is associated with the service provider and thus describes the service provider)(p. 22, paragraphs 319, 320);

- storing the subscriber content-choice data in a database (p. 7, paragraphs 100-104 & Fig. 11);
- receiving a request for the subscriber content-choice data, the request specifying the type of the service provider (p. 22, paragraphs 319, 320);
- querying for the subscriber content-choice data associated with the type of the service provider (p. 6, paragraph 89 & p. 22, paragraph 321); and
- responding to the request with the subscriber content-choice data (p. 22, paragraph 321) and with an event timeline (Figs. 32-35).

Vinson et al. does not specifically disclose merging the event record with data describing the subscriber's chosen content to form an event timeline that describes the subscriber's content selections over a period of time. Grauch et al. discloses using a collector, associated with a subscriber's set top box (STB), to obtain data about any "events" – subscriber actions or changes in programming – that are of interest. Event records comprising such data, as well as the identity of the application involved and the event time, are buffered and uploaded from the buffer to a merge processor through an interactive network (p. 3, l. 20-28). The merge processor receives the event data and content data that identifies programming content broadcast or delivered throughout the region in which the system is deployed. Timelines showing particular events over time may then be generated for each subscriber (p. 3, l. 28-30 & p. 4, l. 1-4). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the subscriber action monitoring system of Vinson et al. to include a merge processor for merging the subscriber action data with content data and to further include generating timelines showing particular events over time, such as that taught by Grauch et al. in order to match "raw"

information on channels viewed with programming information (Grauch et al. p. 3, l. 14-15) and in order to provide a third party with individual subscriber data over time (Grauch et al. p. 4, l. 4-7).

Referring to claims **2** and **16**, the combination of Vinson et al. and Grauch et al. teaches the method/system of claims 1 and 15, respectively, further comprising assigning a classification to the subscriber's content-choice data (Vinson et al. p. 21, paragraph 306).

Referring to claims **3** and **17**, the combination of Vinson et al. and Grauch et al. teaches the method/system of claims 1 and 15, respectively, wherein the subscriber content-choice data comprises data relating to a television program received by at least one subscriber (Vinson et al. p. 6, paragraphs 82, 83).

Referring to claims **4** and **18**, the combination of Vinson et al. and Grauch et al. teaches the method/system of claims 3 and 15, respectively, wherein the subscriber content-choice data comprises at least one of date information and time information related to the television program (Vinson et al. p. 6, paragraph 83).

Referring to claims **5** and **19**, the combination of Vinson et al. and Grauch et al. teaches the method/system of claims 1 and 15, respectively, wherein the subscriber content-choice data further comprises data relating to the subscriber (Vinson et al. p. 6, paragraph 84).

Referring to claims **6** and **20**, the combination of Vinson et al. and Grauch et al. teaches the method/system of claims 5 and 15, respectively, wherein the data relating to the subscriber comprises a subscriber identifier (Vinson et al. p. 21, paragraph 304).

Referring to claims **7** and **21**, the combination of Vinson et al. and Grauch et al. teaches the method/system of claims 5 and 15, respectively, wherein the data relating to the subscriber comprises demographic data (Vinson et al. p. 8, paragraph 114).

Referring to claims **8** and **22**, the combination of Vinson et al. and Grauch et al. teaches the method/system of claims 1 and 15, respectively, wherein the subscriber content-choice data further comprises data relating to a subscriber system (Vinson et al. p. 7, paragraph 97).

Referring to claims **10** and **24**, the combination of Vinson et al. and Grauch et al. teaches the method/system of claims 1 and 15, respectively, wherein the subscriber content-choice data comprises data relating to an advertisement received by the subscriber (Vinson et al. p. 21, paragraph 306).

Referring to claims **11** and **25**, the combination of Vinson et al. and Grauch et al. teaches the method/system of claims 1 and 15, respectively, wherein the subscriber content-choice data comprises data relating to a viewing pattern of the subscriber (Vinson et al. p. 12, paragraph 171).

Referring to claims **12** and **26**, the combination of Vinson et al. and Grauch et al. teaches the method/system of claims 1 and 15, respectively, wherein receiving the request for the subscriber content-choice data comprises receiving an electronic request form that is standardized for all the service providers (Vinson et al. p. 6, paragraphs 89-91; p. 8, paragraph 105; & Figs. 26-35).

Referring to claims **13** and **27**, the combination of Vinson et al. and Grauch et al. teaches the method/system of claims 1 and 15, respectively, further comprising periodically requesting

that the service providers send their respective subscriber content-choice data for storage in the database (Vinson et al. p. 7, paragraphs 99-102).

Referring to claims **14** and **28**, the combination of Vinson et al. and Grauch et al. teaches the method/system of claims 1 and 15, respectively, further comprising sorting the collected subscriber content-choice data (Vinson et al. p. 8, paragraphs 112, 113).

Referring to claim **31**, the combination of Vinson et al. and Grauch et al. teaches the system of claim 15, further comprising means for selecting the subscriber content-choice data based on geographic location (Vinson et al. p. 6, paragraph 90).

Referring to claim **32**, the combination of Vinson et al. and Grauch et al. teaches the system of claim 15, further comprising means for selecting the subscriber content-choice data based on subscriber classification data (Vinson et al. p. 6, paragraph 90).

Referring to claim **33**, the combination of Vinson et al. and Grauch et al. teaches the system of claim 15, further comprising means for selecting the subscriber content-choice data based on data relating to television programs viewed by a plurality of subscribers (Vinson et al. p. 6, paragraph 90).

Referring to claim **34**, the combination of Vinson et al. and Grauch et al. teaches the system of claim 15, further comprising means for selecting the subscriber content-choice data based on data relating to advertisements viewed by a plurality of subscribers (Vinson et al. p. 21, paragraph 304).

Referring to claim **35**, the combination of Vinson et al. and Grauch et al. teaches the system of claim 15, further comprising means for selecting the subscriber content-choice data

based on at least one of a viewing date and a geographic location (Vinson et al. p. 22, paragraph 320).

3. Claims **9**, **23**, and **37** are rejected under 35 U.S.C. 103(a) as being unpatentable over Vinson et al. in view of Grauch et al. and further in view of Eldering et al.

Referring to claims **9**, **23**, and **37**, the combination of Vinson et al. and Grauch et al. teaches the method/system of claims 1, 15, and 36, respectively. The combination of Vinson et al. and Grauch et al. further discloses associating monitored user data with data describing service provider type, name, and geographical location (Vinson et al. p. 6, paragraph 90 & p. 22, paragraphs 319, 320). The combination of Vinson et al. and Grauch et al. further teaches combining the monitored user data of multiple users and providing subscribers with access to the monitored data through a web-based system (Vinson et al. p. 6, paragraph 89 & Figs 26-35). The combination of Vinson et al. and Grauch et al. does not specifically teach that collecting the subscriber content-choice data comprises receiving an eXtensible Markup Language file having linear data describing the type of service provider, the name of the service provider, and a location associated with the service provider. Eldering et al. discloses monitoring subscriber television viewing interaction and generating viewing characteristics therefrom. At least one type of subscriber profile from a subset of subscriber characteristics is generated. Groups are formed by correlating at least one type of subscriber profile. Groups may correlate elements of a content delivery system, such as head-ends (Abstract). Eldering et al. further discloses monitored viewing characteristics include network preference, genre preference, and geographical location (p. 2, paragraph 25 & p. 5, paragraph 84). Eldering et al. still further

discloses aggregating portions of the monitored information to create a subscriber profile. The profile is stored in an XML format (p. 11, paragraph 134). The examiner notes that XML inherently stores data in a linear, line-by-line textual format. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to store the monitored user data in the combination of Vinson et al. and Grauch et al. in an XML format, such as that taught by Eldering et al. in order to use a standardized format to ensure that multiple data files can be combined and manipulated (Eldering et al. p. 11, paragraph 134).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art Unit 2623

MVH